

United States Court of Appeals For the First Circuit

No. 24-1259

GREENLEAF COMPASSIONATE CARE CENTER, INC.,

Plaintiff - Appellant,

v.

MATTHEW SANTACROCE, in his official capacity as Deputy Director of the Rhode Island Department of Business Regulation; ERICA FERRELLI, in her official capacity as Chief of the Office of Cannabis Regulation within the Rhode Island Department of Business Regulation; KIMBERLY AHERN, in her official capacity as Chair of the Rhode Island Cannabis Control Commission; ROBERT JACQUARD, in his official capacity as Commissioner on the Rhode Island Cannabis Control Commission; OLAYIWOLA ODUYINGBO, in his official capacity as Commissioner on the Rhode Island Cannabis Control Commission; LOCAL 328 OF THE UNITED FOOD AND COMMERCIAL WORKERS UNION,

Defendants - Appellees.

ORDER OF COURT

Entered: May 24, 2024

The motion to stay the setting of a briefing schedule is resolved as follows. The appeal is stayed until seven days after the district court has ruled on the motion pursuant to Federal Rule of Appellate Procedure 10 pending in that court. See Hosp. San Antonio, Inc. v. Oquendo-Lorenzo, 47 F.4th 1, 6 (1st Cir. 2022) ("[T]he district court has continuing jurisdiction during an appeal to act in aid of the appeal.") (internal quotations omitted); see also Fed. R. App. P. 10(e)(2)(B) (district court is authorized to correct record misstatements or omissions "before or after the record has been forwarded" to the court of appeals). The parties should inform the court immediately of the district court's ruling on the Rule 10 motion and should propose a schedule for further proceedings at that time (if the parties are unable to agree upon a joint proposed schedule, each side should propose one). This filing(s) should be made as soon as practicable and, in any event, no later than seven days after the district court's ruling on the Rule 10 motion. The court then will direct further proceedings.

As for the finality issue discussed by the parties in the docketing statement and related filings, decision as to finality and as to all other jurisdictional issues is reserved, and the parties should address all such issues during briefing and/or dispositive-motion practice after the stay of

appellate proceedings has been lifted. The request that a portion of appellant's docketing statement be stricken is denied, but the court will only consider relevant filings as appropriate.

SO ORDERED.

By the Court:

Maria R. Hamilton, Clerk

cc:

Craig M. Scott

Adam M. Ramos

Erika Todd

Chelsea Baittinger

Marc B. Gursky